

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, November 5, 2013, 7:00 PM  
Large Court Room – City Hall

**PRESENT:**

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman John Clark  
Alderman Colette George  
Vice-Mayor Mike McIntire

Alderman Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** City Planner, Corey Shepherd.
- II.B. **INVOCATION:** Thomas Legg, Southview Community Church - a Church of the Nazarene.
- III. **ROLL CALL:** By City Recorder Demming. All Present. .
- IV. **RECOGNITIONS AND PRESENTATIONS.**
  1. Presentation to Board of Mayor and Aldermen - Jonathan Overly, East Tennessee Clean Fuels Coalition.
  2. Recognition of Citizen's Policy Academy – Chief Quillin.
- V. **APPROVAL OF MINUTES.**

Motion/Second: McIntire/Parham, to approve minutes for the following meetings:

- A. October 14, 2013 Regular Work Session
- B. October 15, 2013 Regular Business Meeting
- C. October 22, 2013 Called Business Meeting

Approved: All present voting "aye."

**VI. COMMUNITY INTEREST ITEMS.**

**AA. PUBLIC HEARINGS.**

1. **Public Hearing and Consideration of Ordinances to Annex/Amend Zoning of the Airport Parkway South Area 1 Annexation (AF: 280-2013).** City Planner Corey Shepherd presented this agenda item, stating that although it is staff initiated, the property owners do not have a problem with it.

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**PUBLIC COMMENT ON ITEM VI.AA.1. None.**

Alderman Segelhorst made a motion to amend the ordinance to reflect the language of staff initiated and not a residential annexation. Alderman Shupe seconded this motion with all present voting "aye."

Motion/Second: McIntire/George, to pass as amended:

AN ORDINANCE TO ANNEX THAT CERTAIN TERRITORY ADJOINING THE PRESENT CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, EMBRACING THAT CERTAIN PART OF THE 7<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY, TENNESSEE, AND KNOWN AS THE AIRPORT PARKWAY SOUTH AREA 1 ANNEXATION, AS HEREINAFTER DESCRIBED; TO INCORPORATE THE SAME WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/George, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG AIRPORT PARKWAY AND SHIPLEY FERRY ROAD TO M-1, LIGHT MANUFACTURING DISTRICT IN THE 7<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

Motion/Second: McIntire/Parham, to pass:

**Resolution No. 2014-071**, A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE AIRPORT PARKWAY SOUTH AREA 1 ANNEXATION OF THE CITY OF KINGSPORT, TENNESSEE

Passed: All present voting "aye."

**2. Public Hearing and Consideration of Ordinances to Amend Zoning of Parcel 1, Tax Map 46A, Located off West Stone Drive in the 11<sup>th</sup> Civil District of Sullivan County (AF: 277-2013).** City Planner Ken Weems presented this agenda item, stating the zoning was going from a B1 to a B3 to allow firearms sales. He confirmed that staff checked local, state and federal laws due to the proximity of the school and there were no issues hindering the rezoning.

**PUBLIC COMMENT ON ITEM VI.AA.2.** Ms. Pat Turner and Ms. Amanda Metzger, both of Kingsport, spoke in opposition of this business locating so close to the school, stating they did not know about it until the work session last night. Mayor Phillips pointed out they have had a sign in the window since July. Chief Quillin confirmed there have been no issues at other gun stores. Planning Manager Lynn Tully provided further details. There was considerable discussion. Alderman Clark stated he would like more time to consider this item. Alderman Segelhorst commented he would like to hear from more people, including the business owners. The Board decided to defer this item.

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Motion/Second: Segelhorst/Parham, to defer to next regular Business Meeting:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG WEST STONE DRIVE TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 11<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**3. Public Hearing and Consideration of Ordinances to Amend Zoning of a Portion of Parcel 125, Tax Map 32J, Located off East Stone Drive in the 10<sup>th</sup> Civil District of Sullivan County (AF: 278-2013).** City Planner Ken Weems presented this agenda item and explained the reason for the rezoning is to allow vehicle sales. He further stated the whole property isn't being rezoned to allow for vehicle storage. Mayor Phillips pointed out there have been major problems with the neighbors of this property in the past and there is currently an ongoing lawsuit with the property owner. Alderman Parham stated the Crown Colony residents were concerned with this item as well. City Attorney Billingsley and Planning Manager Tully provided further details. Considerable discussion followed. Mayor Phillips suggested waiting until the next meeting to resolve some of the issues. This item was deferred.

**PUBLIC COMMENT ON ITEM VI.AA.3.** Ms. Mary McNabb commented.

Motion/Second: Shupe/Clark, to defer to next regular Business Meeting:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY ALONG EAST STONE DRIVE TO B-3, HIGHWAY ORIENTED BUSINESS DISTRICT IN THE 10<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**4. Public Hearing and Consideration of an Ordinance to Amend the Code of Ordinances, Chapter 114, Article IV, Signs (AF: 279-2013).** City Planner Ken Weems presented this item concerning electronic messaging boards.

**PUBLIC COMMENT ON ITEM VI.AA.4.** None.

Motion/Second: Shupe/McIntire, to pass:

AN ORDINANCE TO FURTHER AMEND THE CODE OF ORDINANCES, CITY OF KINGSFORT, TENNESSEE, ARTICLE IV., SIGNS, SECTION 114-536; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

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**B. BUSINESS MATTERS REQUIRING FIRST READING.**

**1. Consideration of a Resolution Accepting a Donation of Funds from the Friends of the Kingsport Public Library Endowment Fund and Consideration of an Ordinance to Appropriate Such Funds for the Purchase of Replacement Computers (AF: 267-2013).**

Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2014-072, A RESOLUTION ACCEPTING A DONATION FROM THE FRIENDS OF THE KINGSPORT PUBLIC LIBRARY ENDOWMENT FUND FOR THE PURCHASE OF NEW COMPUTERS FOR THE KINGSPORT PUBLIC LIBRARY**

Passed: All present voting "aye."

Motion/Second: Parham/Clark, to pass:

**AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET BY APPROPRIATING FUNDS RECEIVED FROM THE FRIENDS OF THE LIBRARY FOR THE YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on first reading: All present voting "aye."

**2. Consideration of a Budget Ordinance to Appropriate \$4,652.82 from the Department of Justice, Office of Justice Programs/Bureau of Justice Assistance Bulletproof Vest Partnership (BVP) Reimbursement Grant (AF: 269-2013).**

Motion/Second: Clark/Segelhorst, to pass:

**AN ORDINANCE TO AMEND THE DRUG FUND BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE DEPARTMENT OF JUSTICE FOR THE YEAR ENDING JUNE 30, 2014; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on first reading: All present voting "aye."

**3. Consideration of an Ordinance to Amend the General Project Fund Budget by Appropriating General Obligation Public Improvement Bond Series 2013B (AF: 287-2013).**

Motion/Second: McIntire/Segelhorst, to pass:

**AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND, SOLID WASTE PROJECT FUND AND THE WATER AND SEWER FUND BUDGETS BY APPROPRIATING GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND, SERIES 2013B; FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on first reading: All present voting "aye."

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**4. Consideration of an Ordinance to Amend the General Project Fund Budget by Appropriating General Obligation Public Improvement Bond Series 2013A (AF: 290-2013).**

Motion/Second: McIntire/Segelhorst, to pass:

AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND BUDGET BY APPROPRIATING GENERAL OBLIGATION BOND, SERIES 2013A; FOR THE FISCAL YEAR ENDING JUNE 30, 2014; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION. None.**

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution to Enter into a Construction Agreement with CSX Transportation, Inc. for the Resurfacing of Lincoln Street and Authorizing the Mayor to Sign All Applicable Documents (AF: 258-2013).**

Motion/Second: Parham/Clark, to pass:

**Resolution No. 2014-073**, A RESOLUTION APPROVING A CONSTRUCTION AGREEMENT WITH CSX TRANSPORTATION INC. FOR THE RESURFACING OF LINCOLN STREET; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**2. Consideration of a Resolution Ratifying the Mayor's Action in Signing All Documents Necessary to Apply for and Receive the Solid Waste Recycling Rebate Grant from the Tennessee Department of Environment and Conservation (TDEC) Solid Waste Management Division (AF: 282-2013).**

Motion/Second: George/Shupe, to pass:

**Resolution No. 2014-074**, A RESOLUTION RATIFYING THE MAYOR'S SIGNATURE ON ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A SOLID WASTE RECYCLING REBATE GRANT FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION SOLID WASTE MANAGEMENT DIVISION

Passed: All present voting "aye."

**3. Consideration of a Resolution Authorizing the Mayor to Sign a Contract with the Tennessee Department of Transportation Accepting Federal and State Transportation Planning Funds on Behalf of the Kingsport MTPO (AF: 272-2013).**

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Motion/Second: Segelhorst/Clark, to pass:

**Resolution No. 2014-075**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION TO RECEIVE A GRANT FOR FISCAL YEAR 2014 AND FISCAL YEAR 2015 FOR FEDERAL HIGHWAY ADMINISTRATION PL-112 PLANNING FUNDS FOR THE KINGSFORT METROPOLITAN TRANSPORTATION PLANNING ORGANIZATION (MPO) AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THIS RESOLUTION

Passed: All present voting "aye."

**4. Consideration of a Resolution Authorizing the Reimbursement of Materials Agreement Funds to Danny Karst for Edinburgh Phase 2, Section F (AF: 285-2013).**

Motion/Second: Shupe/Parham, to pass:

**Resolution No. 2014-076**, A RESOLUTION AUTHORIZING REIMBURSEMENT OF MATERIALS AGREEMENT FUNDS TO DANNY KARST FOR EDINBURGH PHASE 2 SECTION 2F

Passed: All present voting "aye."

**5. Consideration of a Resolution Awarding the Bid for Dairy Products for the Kingsport City Schools Food and Nutrition Services and Authorizing the Mayor to Sign All Applicable Documents (AF: 271-2013).**

Motion/Second: George/Parham, to pass:

**Resolution No. 2014-077**, A RESOLUTION AWARDING THE BID FOR MILK PRODUCTS FOR THE KINGSFORT SCHOOLS FOOD AND NUTRITION SERVICES AND AUTHORIZING MAYOR TO EXECUTE AN AGREEMENT FOR THE SAME AND ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**6. Consideration of a Resolution Authorizing the Mayor to Sign a Change Order with Beuris Construction for the Additions and Alterations at Lincoln Elementary School (AF: 289-2013).**

Motion/Second: McIntire/Shupe, to pass:

**Resolution No. 2014-078**, A RESOLUTION APPROVING A CHANGE ORDER TO THE CONTRACT WITH BEURIS CONSTRUCTION FOR ADDITIONS AND ALTERATIONS AT LINCOLN ELEMENTARY SCHOOL; AUTHORIZING THE MAYOR TO SIGN THE CHANGE ORDER AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE CHANGE ORDER

Passed: All present voting "aye."

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**7. Consideration of a Resolution Authorizing the Mayor to Sign an Agreement with the Virginia Department of Rail and Public Transportation Designating the City of Kingsport Staff as Financial Managers for MTPO Federal and State Transportation Planning Funds (AF: 284-2013).**

Motion/Second: Parham/Shupe, to pass:

**Resolution No. 2014-079**, A RESOLUTION APPROVING AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION, AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENT

Passed: All present voting "aye."

**8. Consideration of a Resolution Authorizing the Mayor to Sign All Documents Necessary to Enter into an Agreement with the Tennessee Department of Transportation to Complete the Environmental Review Phase for the Proposed Stone Drive – Netherland Inn Road "Connector Project" (AF: 283-2013).**

Motion/Second: McIntire/Clark, to pass:

**Resolution No. 2014-080**, A RESOLUTION APPROVING CONTRACT AMENDMENT NUMBER 2 WITH THE TENNESSEE DEPARTMENT OF TRANSPORTATION FOR THE DEVELOPMENT OF A TRANSPORTATION PLANNING REPORT ON THE PROPOSED STONE DRIVE-NETHERLAND INN ROAD CONNECTOR AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AMENDMENT AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE CONTRACT AMENDMENT

Passed: All present voting "aye."

**9. Consideration of a Resolution Approving the Renewal of an Agreement with Humana, Inc. and Authorizing the Mayor to Execute Renewal Documents with Humana, Inc. for Administration Services for the City's Health Insurance Plan (AF: 275-2013).**

Motion/Second: Segelhorst/Parham, to pass:

**Resolution No. 2014-081**, A RESOLUTION RENEWING THE AGREEMENT WITH HUMANA INC. FOR ADMINISTRATIVE SERVICES FOR THE CITY'S SELF FUNDED HEALTH INSURANCE PLAN AND AUTHORIZING THE MAYOR TO EXECUTE ALL APPLICABLE DOCUMENTS

Passed: All present voting "aye."

**10. Consideration of a Resolution Approving a Mural for the Signature Properties Building at 115 New Street (AF: 288-2013).** Cultural Arts Director Bonnie MacDonald introduced the artist to the board and discussed her background.

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Motion/Second: Segelhorst/Shupe, to pass:

**Resolution No. 2014-082, A RESOLUTION APPROVING A MURAL TO BE PAINTED  
AT 115 WEST NEW STREET**

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.**

Motion/Second: McIntire/Shupe, to approve:

**1. Consideration of an Appointment to the Parks and Recreation  
Advisory Committee (AF: 281-2013).**

Approve:

APPOINTMENT OF MRS. LONI TRAYLOR GARCIA TO THE **PARKS AND  
RECREATION ADVISORY COMMITTEE** TO COMPLETE THE UNEXPIRED TERM  
OF MR. JAMES KELLEY. MRS. GARCIA'S APPOINTMENT WILL BE EFFECTIVE  
IMMEDIATELY AND WILL EXPIRE JUNE 30, 2014.

Passed: All present voting "aye."

**VII. CONSENT AGENDA. *(These items are considered under one motion.)***

Motion/Second: Segelhorst/George, to adopt:

**1. Consideration of an Ordinance Authorizing the Mayor to Sign a  
Contract Amendment with the Tennessee Department of Transportation to  
Facilitate a Transfer of Funds from the Netherland Inn Bank Barn Grant Project to  
the Riverfront "Greenbelt" Grant Project (AF: 262-2013).**

Adopt:

**Ordinance No. 6357, AN ORDINANCE TO AMEND THE GENERAL PROJECT FUND  
BUDGET BY APPROPRIATING GRANT FUNDS RECEIVED FROM THE  
TENNESSEE DEPARTMENT OF TRANSPORTATION AND BY TRANSFERRING  
FUNDS FOR THE LOCAL MATCH TO THE GREENBELT PROJECT; AND TO FIX  
THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on second reading in a roll call vote: Clark, George, McIntire, Parham,  
Segelhorst, Shupe and Phillips voting "aye."

**2. Consideration of an Approval of Offers for Easements and  
Right-of-Ways for the Yadkin Street Sewer Rehabilitation Project (AF: 276-2013).**

Approve:

OFFERS FOR EASEMENTS AND RIGHTS-OF-WAY FOR THE YADKIN STREET  
SEWER REHABILITATION PROJECT

Passed in a roll call vote: Clark, George, McIntire, Parham, Segelhorst, Shupe and  
Phillips voting "aye."




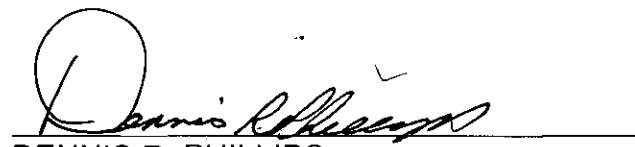
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**VIII. COMMUNICATIONS.**

- A. **CITY MANAGER.** Mr. Campbell had Community Services Director Morris Baker give an update on the United Way Campaign, noting \$32,000 has been collected so far and donations will be accepted through the end of the week. Public Works Director Ryan McReynolds gave details on the city-wide leaf pick-up schedule. Mr. Campbell commented on the Dobyns Bennett band.
- B. **MAYOR AND BOARD MEMBERS.** Alderman Shupe stated he enjoyed the Eastman groundbreaking ceremony. Alderman Segelhorst encouraged citizens to participate in the upcoming open house for downtown merchants. He also congratulated the Citizens Police Academy graduates, pointing out he is a graduate from the Citizens Fire Academy. Alderman George congratulated the schools for a being a state finalist and commented on the recent band presentation. She also mentioned several recent events and fundraisers that have taken place in the city. Vice-Mayor McIntire commented on the 90<sup>th</sup> anniversary of the Kingsport Rotary and the good work they have done. He also sent well wishes to former mayor Ms. Ruth Montgomery. Alderman Parham echoed the comments regarding the high school band. Alderman Clark commented on the vision strategy as well as the high school career fair sponsored by Eastman.
- C. **VISITORS.** None.
- D. **CITY RECORDER.** City Recorder Demming presented to the Board the submission to the State of Tennessee reports on debt obligations.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 8:55 p.m.

  
ANGELA MARSHALL  
Deputy City Recorder

  
DENNIS R. PHILLIPS  
Mayor